



**US Army Corps  
of Engineers.**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
**CENAP-OP-R-200600529-60**

Date  
**JUL 20 2006**

Application No.

File No.

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Robert Madison

AGENT: Kim Dixon  
Environmental Consultant, LLC  
17 Bear Hollow Lane  
Little Egg Harbor Twp, NJ 08087-2228

WATERWAY: Silver Bay

LOCATION: The proposed dredge area, pier construction, and existing jet ski lift are located waterward of Block 442.15, Lot 1.18, Dover Township, Ocean County, New Jersey. The proposed dewatering and dredge disposal site is located on an upland portion of the applicant's property, Block 442.15, Lot 1.18, Dover Township, New Jersey.

ACTIVITY: The applicant proposes to mechanically dredge approximately 1,800 square feet (15' X 120') of material to a depth of 3.5-feet below mean low water. Existing water depths within the proposed dredge area are 2.5'-3' MLW. The approximately 67 cubic yards of sand would be dewatered and disposed of on an upland vacant portion of the applicant's property. Additionally, the applicant proposes to construct one (1) 4' X 43' CCA treated fixed timber pier and maintain one (1) 3' X 5' jet ski lift.

A description of the proposed work is shown on the attached plans E-1 through E-5.

PURPOSE: The stated purpose of the proposed dredging is to provide a sufficient water depth at MLW for one (1) private recreational boat with a three foot draft. The stated purpose of

the proposed pier is to provide mooring facilities for two (2) private recreational boats with drafts of two feet each.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 20, indicates that the proposed project may have an adverse effect on the EFH of winter flounder (*Pseudopleuronectes americanus*). This office has determined that the adverse effects would be minimal provided work activities are restricted from January 1 through May 31.

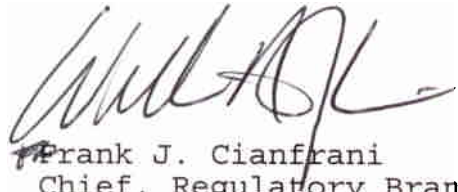
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

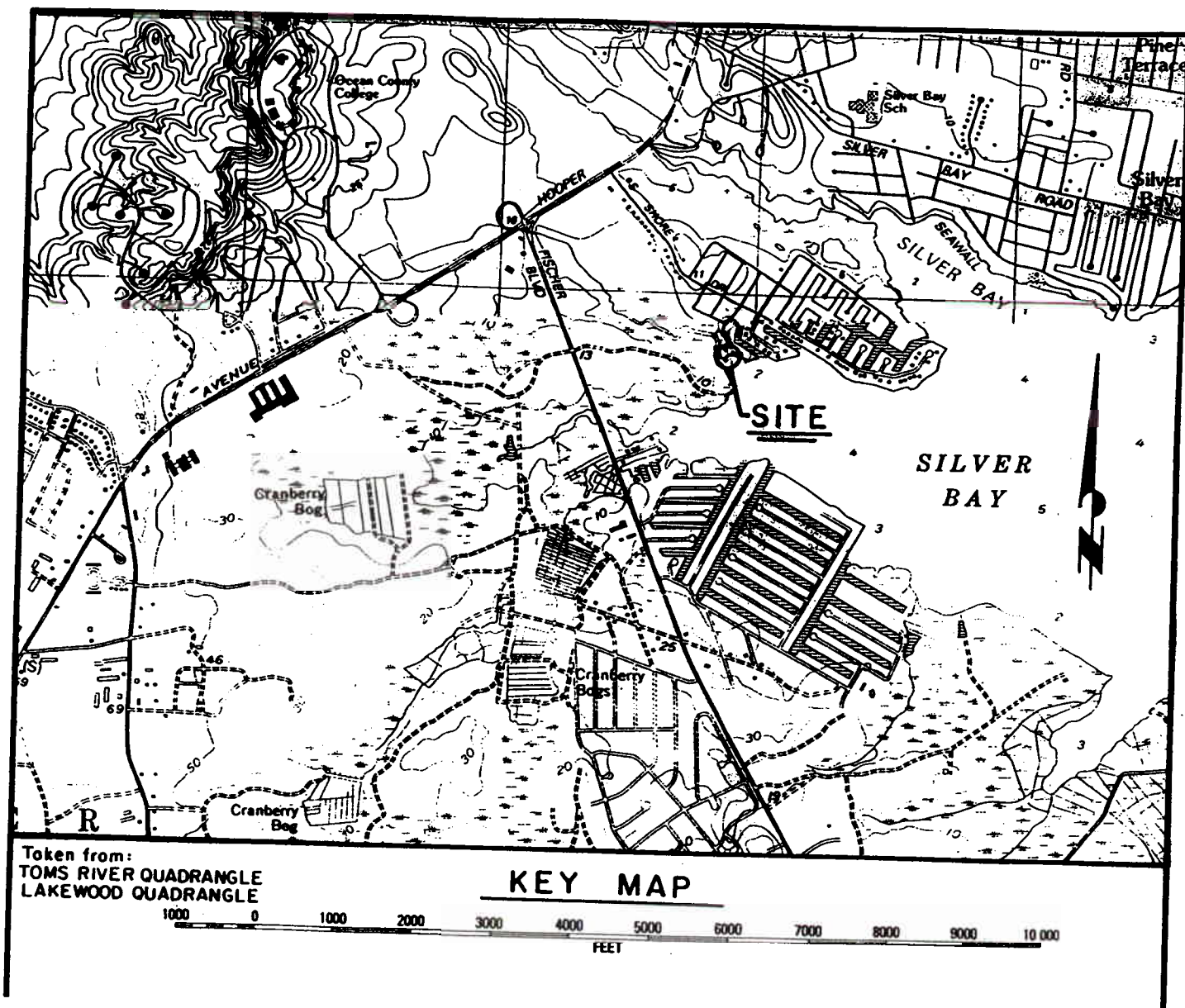
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

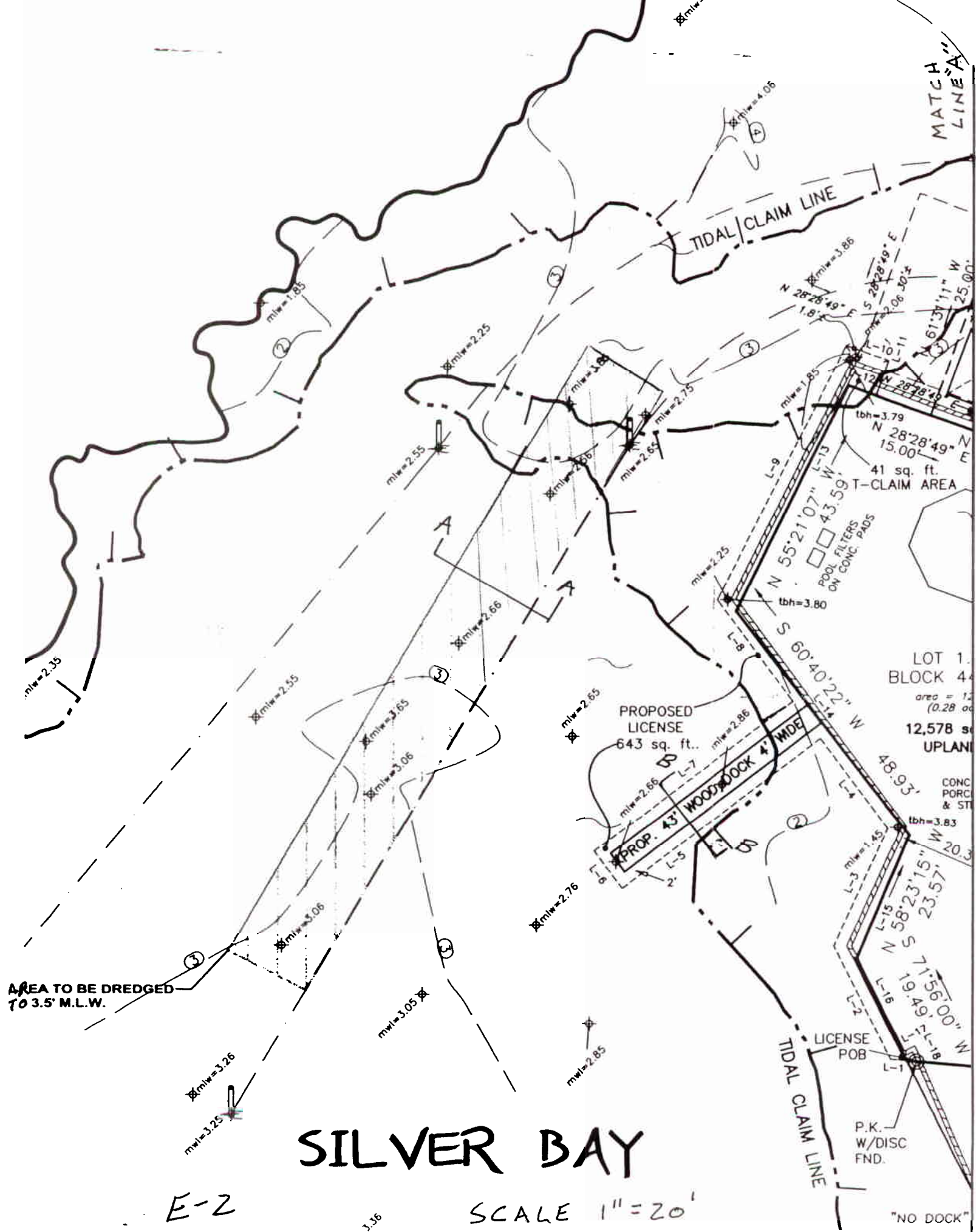
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Richard M. Fonorow at (215) 656-5957 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

A handwritten signature in dark ink, appearing to read "Frank J. Cianfrani", is positioned above the printed name and title.

Frank J. Cianfrani  
Chief, Regulatory Branch





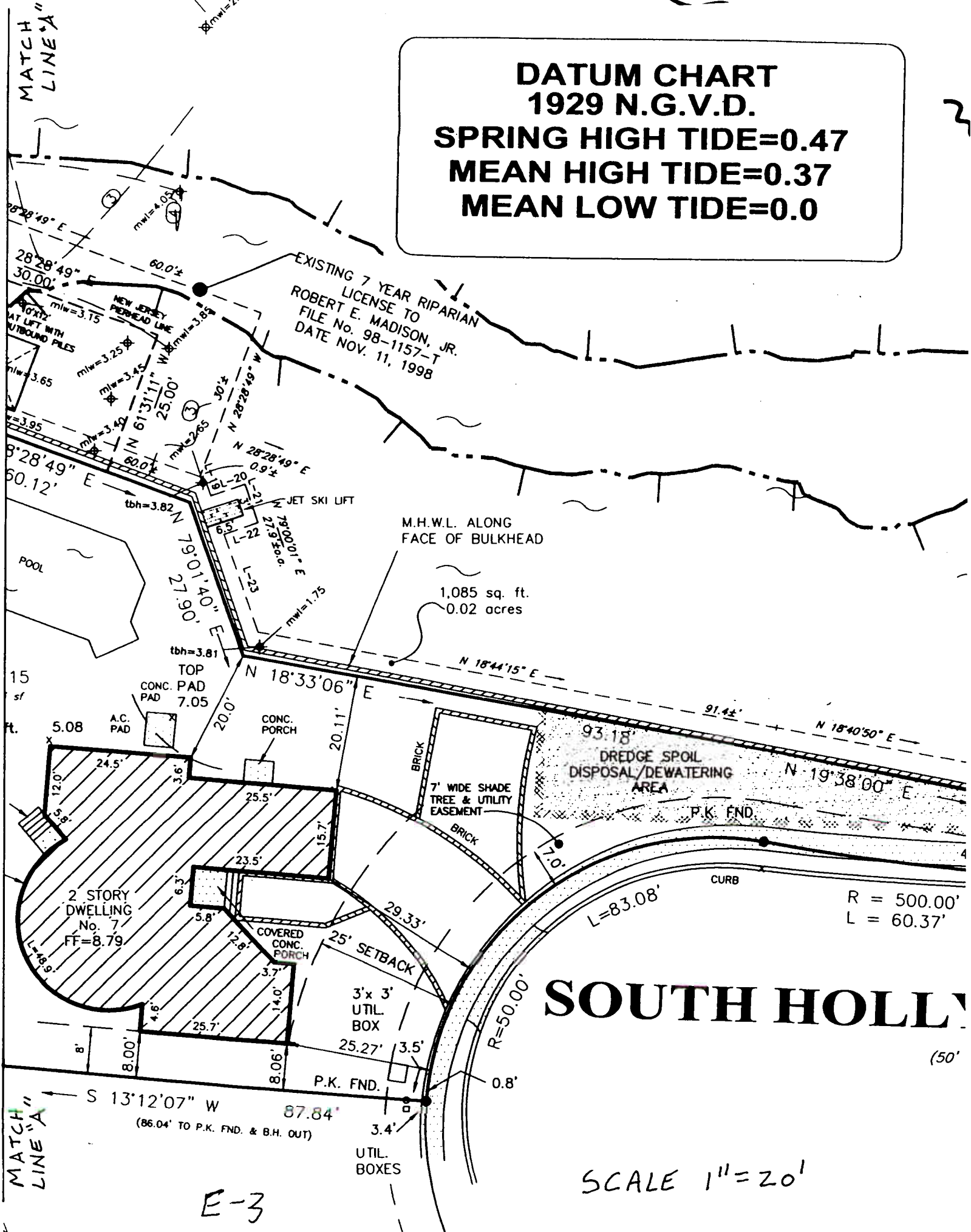
# SILVER BAY

E-2

SCALE 1" = 20'

"NO DOCK"

**DATUM CHART**  
**1929 N.G.V.D.**  
**SPRING HIGH TIDE=0.47**  
**MEAN HIGH TIDE=0.37**  
**MEAN LOW TIDE=0.0**

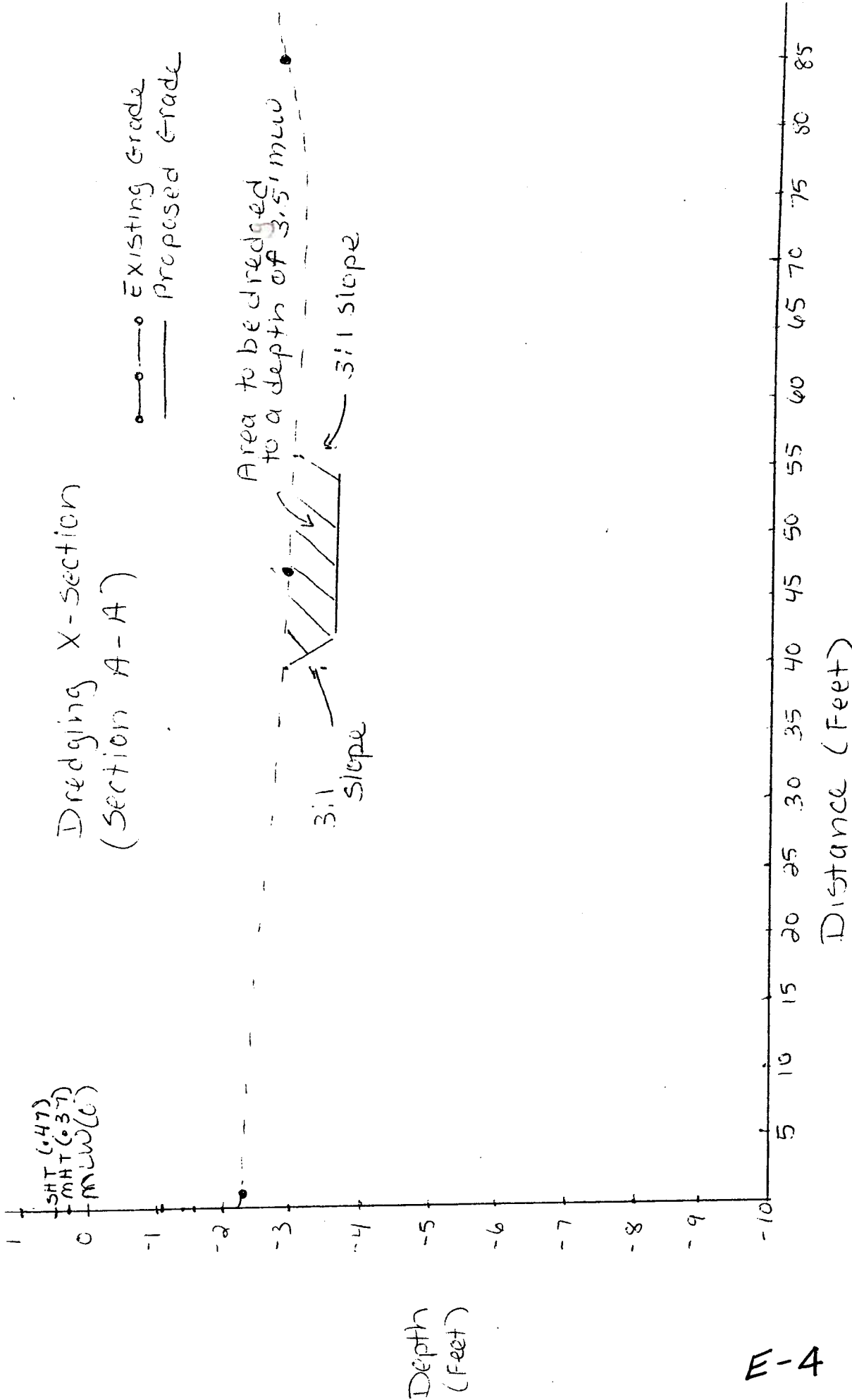


**SOUTH HOLLY**

(50'

SCALE 1"=20'

E-3



E-4

Robert madison  
 Bk 442.15, Lot 1.18  
 Dover Twp., Ocean Co.

Rev 6/15/06 -- Adjust  
 water levels  
 4/3/06  
 Scale 1" = 10'  
 -K-D.

( B-B ~~sec~~tion )

The height of all docks over wetlands shall be a minimum of 4 feet.

